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9 Attorneys for Shady Bird Lending, LLC

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11 **UNITED STATES BANKRUPTCY COURT**

12 **CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION**

13
14 In re

15 THE SOURCE HOTEL, LLC,

16 Debtor.

Case No. 8:21-bk-10525-ES

Chapter 11

**NOTICE OF APPEAL OF ORDER
DENYING MOTION OF SHADY BIRD
LENDING, LLC FOR ORDER
DESIGNATING CHAPTER 11 CASE AS
SINGLE ASSET REAL ESTATE CASE
PURSUANT TO 11 U.S.C. §§ 101(51B)
AND 362(d)(3)**

DATE:

TIME: [No Hearing Required]

PLACE:

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1 TO THE HONORABLE ERITHE SMITH, UNITED STATES BANKRUPTCY JUDGE,
2 THE OFFICE OF THE UNITED STATES TRUSTEE, THE DEBTOR, AND ALL OTHER
3 INTERESTED PARTIES:

4 PLEASE TAKE NOTICE that Shady Bird Lending, LLC hereby appeals,
5 pursuant to 28 U.S.C. § 158(b), from the "Order Denying Motion of Shady Bird Lending,
6 LLC for Order Designating Chapter 11 Case As Single Asset Real Estate Case Pursuant
7 to 11 U.S.C. §§ 101(51B) and 362(d)(3)" (the "Order") entered by the United States
8 Bankruptcy Court, Central District of California, Santa Ana Division, on April 28, 2021
9 [Docket No. 97]. A true and correct copy of the Order is attached hereto as Exhibit "A"
10 and incorporated herein by reference.

11 PLEASE TAKE FURTHER NOTICE that the parties to the Order appealed
12 from and the names, addresses, telephone numbers, and email addresses of the
13 respective attorneys are as follows:

14 Appellant, Shady Bird Lending, LLC

15 Daniel A. Lev, Esq.
16 **SulmeyerKupetz**
17 A Professional Corporation
333 South Grand Avenue, Suite 3400
18 Los Angeles, California 90071-1406
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1 Appellee, The Source Hotel, LLC

2 Ron Bender, Esq.
3 Juliet Y. Oh, Esq.
4 Levene, Neale, Bender, Yoo & Brill L.L.P.
5 10250 Constellation Boulevard, Suite 1700
6 Los Angeles, California 90067
7 Telephone: 310.229.1234
8 Facsimile: 310.229.1244
9 Email: rb@lnbyb.com
10 jyo@lnbyb.com

11 DATED: April 28, 2021

SulmeyerKupetz
A Professional Corporation

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By: /s/ Daniel A. Lev

Daniel A. Lev
Attorneys for Shady Bird Lending, LLC

15

16 DATED: April 28, 2021

Law Offices of Ronald Richards & Associates, APC

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By: /s/ Ronald Richards

Ronald Richards
Attorneys for Shady Bird Lending, LLC

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EXHIBIT A

1 RON BENDER (SBN 143364)
2 JULIET Y. OH (SBN 211414)
3 LEVENE, NEALE, BENDER, YOO & BRILL L.L.P.
4 10250 Constellation Boulevard, Suite 1700
5 Los Angeles, California 90067
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8 Email: RB@LNBYB.COM; JYO@LNBYB.COM

9 Proposed Attorneys for Chapter 11 Debtor and
10 Debtor-in-Possession



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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re:

THE SOURCE HOTEL, LLC, a
California limited liability company,

Debtor and Debtor in Possession.

Case No.: 8:21-bk-10525-ES

Chapter 11

**ORDER DENYING MOTION OF SHADY
BIRD LENDING, LLC FOR ORDER
DESIGNATING CHAPTER 11 CASE AS
SINGLE ASSET REAL ESTATE CASE
PURSUANT TO 11 U.S.C. §§ 101(51B) AND
362(d)(3)**

Hearing:

Date: April 15, 2021
Time: 10:30 a.m.
Place: ZoomGov


1 A hearing was held on April 15, 2021 at 10:30 a.m., before the Honorable Erithe A.
2 Smith, United States Bankruptcy Judge for the Central District of California, Santa Ana
3 Division, in Courtroom "5A" located at 411 West Fourth Street, Santa Ana, California 92701
4 (via ZoomGov), to consider the *Motion Of Shady Bird Lending, LLC For Order Designating*
5 *Chapter 11 Case As Single Asset Real Estate Case Pursuant To 11 U.S.C. §§ 101(51B) And*
6 *362(d)(3)* [Doc. No. 49] (the "Motion") filed by Shady Bird Lending, LLC ("Shady Bird") in the
7 chapter 11 bankruptcy case of The Source Hotel, LLC (the "Debtor"), the debtor and debtor-in-
8 possession herein. Appearances at the hearing on the Motion were made as noted on the record
9 of the Court.

10 The Court, having considered the Motion and all papers filed by Shady Bird in support of
11 the Motion, the opposition to the Motion filed by the Debtor [Doc. No. 64] (the "Opposition")
12 and the Declaration of Robert "Charlie" Cervantes submitted by the Debtor in support of the
13 Opposition [Doc. No. 66], the reply to the Opposition filed by Shady Bird [Doc. No. 73], the oral
14 arguments, statements and representations of counsel made at the hearing on the Motion, and all
15 matters of record in the Debtor's Chapter 11 bankruptcy case, proper and adequate notice of the
16 Motion and the hearing on the Motion having been provided, and for the reasons set forth on the
17 record of the Court at the hearing on the Motion,

18 IT IS HEREBY ORDERED that the Motion is denied.

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24 Date: April 28, 2021


Erithe Smith
United States Bankruptcy Judge

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 333 South Grand Avenue, Suite 3400, Los Angeles, CA 90071.

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF APPEAL OF ORDER DENYING MOTION OF SHADY BIRD LENDING, LLC FOR ORDER DESIGNATING CHAPTER 11 CASE AS SINGLE ASSET REAL ESTATE CASE PURSUANT TO 11 U.S.C. §§ 101(51B) AND 362(d)(3)** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) April 28, 2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

See Attached

☒ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) April 28, 2021, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Via Email

Request for Special Notice
Christopher G. Cardinale, Esq.
ccardinale@agclawfirm.com

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 28, 2021

Date

Cheryl Caldwell

Printed Name

/s/Cheryl Caldwell

Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

Ron Bender on behalf of Debtor The Source Hotel, LLC
rb@lnbyb.com

Michael G Fletcher on behalf of Creditor Evertrust bank
mfletcher@frandzel.com, sking@frandzel.com

Robert P Goe on behalf of Creditor Westranco, Inc.
kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com

Nancy S Goldenberg on behalf of U.S. Trustee United States Trustee (SA)
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Ho-El Park on behalf of Interested Party Courtesy NEF
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Ronald N Richards on behalf of Interested Party Courtesy NEF
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United States Trustee (SA)
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